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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,151	11/05/2003	John L. Manuel	200300161-1	7814

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EXAMINER

SEYE, ABDOU K

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/702,151

Applicant(s)

MANUEL ET AL.

Examiner

Abdou Karim Seye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/05/2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the initial office action based on the application filed on November 11, 2003. Claims 1-44 are currently pending and have been considered below.

Specification objection.

In paragraph 21, lines 4-6, reciting " The memory incorporate other types of storage media now known or later developed." (emphasis added) that Such media "later developed " is non existing, so one cannot have/process, what's not even exist just yet.

Appropriate correction is required.

Claim Objections

Claims 24, 34 and 40 are objected . The applicant is recommended to use the language in the specification. To overcome the claim objection the claims need to be amended to include the language in the specification (i.e. storage type media, see specification, paragraph 21).

Applicant may choose to change the claims language to "A computer-readable storage media" instead of " A computer readable medium".

Claims 25-30 and 41-44 are also objected for failing to remedy the deficiencies of the above objection on claims 24, 34 and 40.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 8 is non statutory. The claimed system, object generator is constructed of software program instructions (see specification, page 5, paragraph 22). Thus, the claimed system comprising of means for receiving an object, identifying object proxies and directing the selected object proxy are considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... ". Also it appears that no tangible result is achieved from the selection of object proxy (MPEP 2106 (IV) (C)).

Claims 9-13 are also rejected for failing to remedy the deficiencies of the above rejected non statutory claim 8.

Appropriate correction is required.

Claims 14 and 31 are non statutory. The claimed system, object generator is constructed of software program instructions(see specification, page 5, paragraph 22). Thus, the claimed system comprising of an object factory and a pool and an object store is considered as software program containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized... ". Also it appears that no tangible result is achieved from the pooling of the object proxies(MPEP 2106 (IV) (C).

Claims 15-23 and 32 are also rejected for failing to remedy the deficiencies of the above rejected non statutory claims 8 and 31.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-44 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Viswanathan et al. (US 6163806) in view of Groves et al (US 6931105).

Claims 1, 8, 14, 24, 35 and 40, Viswanathan teaches a method, system and product for creating a best-match object at run time, comprising the steps of:

receiving a request for an object (fig. 6, col. 9, lines 42-45; fig. 8A, col. 16, lines 13-20);

polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object (fig. 6, col. 9, lines 45-59; fig. 8A, lines 23-31);

directing the selected proxy to create the object (fig. 6, lines 55-59; fig. 8A, col. 16, lines 38-51);

but, he does not explicitly disclose that the selected proxy is based on a polled confidence level. However, in the same field of endeavor, accessing a database Groves teaches selecting a proxy-server address data based on polled confidence level and internal goodness of a best match that is determined/created if absent with the caller spoken input as disclosed in the abstract of his invention (abstract; col. 3, lines 14-30; col. 4, lines 1-5 and 36-46). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Viswanathan's invention with Groves's invention, because it would allow an automatic selection of a proxy object based on the level of confidence computed by a system. One would have been motivated to use the level of confidence computed by a system for the selection of proxy object in order to find the best match proxy object to represent the user request for data (Groves, col. 5, lines 1-5).

Claim 2, Viswanathan teaches,

wherein the step of receiving a request for an object comprises receiving indicia of a peripheral device (col. 10, lines 5-8; fig. 7A, col. 11, lines 13-46).

As per claim 3, it is rejected for the same reasons of 2 above.

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Claim 4, Viswanathan teaches a method, system and product for creating a best-match object at run time as in claim, 1, 8, 14, 24, 35 and 40 above but he does not explicitly disclose the step of selecting one of the proxies based on the polled confidence level, wherein the step of selecting one of the proxies comprises comparing each confidence level with a previously received confidence level. However, in the same field of endeavor, accessing a database Groves teaches selecting a proxy based on polled confidence level and internal goodness of best match relative to internet service and a proxy-server(col. 3, lines 14-30; col. 4, lines 36-46); and he further teaches a reference database for previously known information data to be reused (col. 3, lines 40-57); and comparing confidence level with threshold for properly selecting a proxy call (fig. 2; col. 4, lines 47-67; col. 5, lines 37-45).It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Viswanathan's invention with Groves's invention, because it would allow to reduce the number of system calls, if call by reference is used to find previously used information data . One would have been motivated to compare level of confidence computed by a system for the selection of proxy object in order to find the best match proxy object to represent the user request for data and also to improve the recognition confidence of input data (Groves, col. 5, lines 1-5 and lines 29-44; abstract).

Claim 5, Viswanathan does not teach selecting one of the proxies. However Groves teaches, wherein the step of selecting one of the proxies comprises storing an index associated with a proxy having a greater confidence level (col. 3, lines 14-30; col. 4,

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lines 37-67 and col. 5, lines 1-7). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Viswanathan's invention with Groves's invention, because it would allow an automatic selection of a proxy object based on the level of confidence computed by a system. One would have been motivated to use the level of confidence computed by a system for the selection of proxy object in order to find the best match proxy object to represent the user request for data (Groves, col. 5, lines 1-5).

Claim 6, Viswanathan teaches,

wherein the step of directing the select one of the proxies to create the object generates a peripheral device driver (col. 9, lines 55-67; col. 11, lines 22-47).

Claim 7, Viswanathan, teaches,

registering a new proxy capable of creating an object designated for use with a new peripheral device (fig. 7A, col. 11, lines 9-19).

As per claims 9-13, they are rejected for the same reasons as the claims above.

As per claims 15-21 and 23, they are rejected for the same reasons as the claims above.

Claim 22, Viswanathan does not teach comparing confidence level. However Groves teaches comparing confidence level, wherein when the comparator fails to recognize a maximum confidence level, the object factory is configured to direct the object proxy associated with the greatest confidence level to create an object (fig. 2, steps 210-220-230). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Viswanathan's invention with Groves's invention, because it would allow to reduce the number of system calls, if call by reference is used to find previously used information data. One would have been motivated to compare level of confidence computed by a system for the selection of proxy object in order to find the best match proxy object to represent the user request for data and also to improve the recognition confidence of input data (Groves, col. 5, lines 1-5 and lines 29-44; abstract).

As per claims 25-30, they are rejected for the same reasons as the claims above.

As per claims 31-34, they are rejected for the same reasons as the claims above.

As per claims 36-37 and 41-42, they are rejected for the same reasons as claims 2 and 3 above.

As per claims 38 and 43, they are rejected for the same reasons as claim 4 above.

As per claims 39 and 44, they are rejected for the same reasons as claim 5 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Roese et al. (20030217137) discloses verified device locations in a data network.

Kadayam et al. (200030212673) discloses a systems and method for retrieving and organizing information from disparate computer network information sources.

Yeager et al. (20050086300) discloses trust mechanism for peer-to-peer network computing platform.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300.

Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

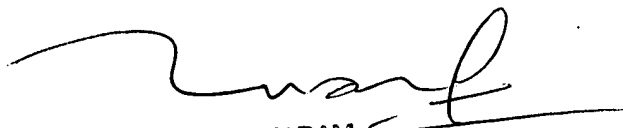
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS
March 8, 2007



TUAN DAM
SUPERVISORY PATENT EXAMINER